

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings include replacements to Figures 1 and 2.

Attachment: Replacement sheets

REMARKS

The drawings have been objected to as failing to be translated into English. In response, English language drawings are being provided with this response.

Claims 1-9 have been rejected under 35 USC 102(b) as anticipated by Murphy. The rejection is respectfully traversed.

An existing, transmitting fax subscriber typically has means to resubmit previously sent data if an acknowledgement is received from the receiving fax subscriber that indicates an error during the transmission. Furthermore, the transmitting fax machine usually will end the transmission of fax data, and will end the connection if an acknowledgement is received from the receiving fax subscriber indicating an error free transmission. For this purpose, the connection between the fax subscribers is done via an end-to-end real-time connection. This is state of the art.

The claimed invention, as amended, requires a connection from a transmitting fax subscriber via a first intermediate station, to a second intermediate station, and further to a receiving fax subscriber, an acknowledgement that is normally provided as a confirmation from the first intermediate station to the transmitting fax subscriber being suppressed. This is advantageous because the transmitting fax subscriber will stay in an on-hold state, and will not leave this state until an acknowledgement is received that will be sent from the second fax subscriber later in the process. With this, a received "positive" acknowledgement at the first subscriber validates a successful, error free transmission of data via the whole connection, which in part does not support real-time transmission, and not only a section of the connection between the first subscriber and the first intermediate station. Furthermore, a "negative" acknowledgement informs the first subscriber that the second subscriber could not receive the sent data without errors. Hence, when dispensing with the acknowledgement, it is possible to connect the two fax subscribers via a link that partly does not support real-time transmission, e.g. a link via a packet-oriented network.

Murphy fails to disclose withholding an acknowledgement provided as a response during a fax transmission to confirm the receipt of facsimile data in a first intermediate station. Rather, Murphy discloses that after forwarding the fax from a so called "ecom" to an e-mail server - both

belong to the sending side of the fax transmission - the ecom is returned to a "ready" state for further traffic (col. 5, lines 15-25). This indicates that the devices on the sending side of the fax transmission end the connection right after sending the fax without waiting for an acknowledgement from the receiving fax machine. Additionally, Murphy discloses a receipt of server return codes sent by the e-mail server (col. 5, line 23), which suggests an acknowledgement from the first intermediate station (see also Examiner's remarks in the Office Action dated April 06, 2004, page 4).

Since the structure and method are not disclosed by the applied prior art, claims 1 and 7 are patentable. Claims 2-6 and 8-10, depending therefrom, are similarly patentable.

Claim 10 has been rejected under 35 USC 103(a) as unpatentable over Murphy in view of Otsuka. The rejection is respectfully traversed for the same reasons provided in the arguments above, and for the following reasons. Otsuka fails to disclose withholding an acknowledgement provided as a response during a fax transmission to confirm the receipt of facsimile data in a first intermediate station. Additionally, the Examiner fails to provide reasons why one having ordinary skill in the art would have been motivated to combine the references. Rather, the Examiner's reasoning fails to provide a *prima facie* case of obviousness. Likewise, the Examiner's comments are conclusory in nature, and do not provide any evidence on the record to support his/her comments. Applicant's therefore request that the Examiner cite a reference in support of his/her reasons for the combination, or withdraw the rejection.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.449122010500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,


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Attachments: Replacement Sheets

REPLACEMENT SHEETS